

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED

MAY 04 2005

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

W05CA172

SYLVIA CASTILLEJA AND §
LISA ANN SANCHEZ, INDIVIDUALLY §
AND AS NEXT FRIEND FOR S.R., G.J.G., §
AND J.A., MINORS §
§
§

VS. § CIVIL ACTION NO. _____

FORD MOTOR COMPANY AND §
BRIDGESTONE/FIRESTONE NORTH §
AMERICAN TIRE, L.L.C. D/B/A §
BRIDGESTONE FIRESTONE NORTH §
AMERICAN TIRE §

**DEFENDANT BRIDGESTONE/FIRESTONE NORTH AMERICAN TIRE, L.L.C.'S
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Bridgestone/Firestone North American Tire, L.L.C. (hereinafter referred to as "Firestone"), one of the Defendants in the cause styled "*Sylvia Castilleja and Lisa Ann Sanchez, Individually and as Next Friend for S.R., G.J.G., and J.A., Minors, v. Ford Motor Company and Bridgestone/Firestone North American Tire, L.L.C. d/b/a Bridgestone Firestone North American Tire,*" originally pending as Cause No. 42203 in the 66th District Court of Hill County, Texas and, pursuant to the terms and provisions of 28 U.S.C. §§ 1441 and 1446, hereby files this Notice of Removal of the cause to the United States District Court for the Western District of Texas, Waco Division.

1.

This Notice of Removal is filed on the basis of diversity of citizenship. Plaintiffs filed their Original Petition in the District Court of Hill County, Texas. According to Plaintiffs' Original

Petition, Plaintiffs Sylvia Castilleja, Lisa Ann Sanchez, S.R., G.J.G. and J.A., are residents of Lewisville, Denton County, Texas.

2.

Defendant Firestone in this cause at all times was and is now a citizen of a state other than the State of Texas. Firestone, at the time of the initial filing of this action and ever since and at the time Plaintiffs' cause of action, if any, accrued, has been a corporation duly incorporated and organized under the laws of the State of Delaware, having its principal place of business in Nashville, Tennessee.

3.

Defendant Ford in this cause at all times was and is now a citizen of a state other than the State of Texas. Ford, at the time of the initial filing of this action and ever since and at the time Plaintiffs' cause of action, if any, accrued, has been a corporation duly incorporated and organized under the laws of the State of Delaware, having its principal place of business in Dearborn, Michigan.

4

"None of the Defendants is a citizen of the State of Texas." 28 U.S.C. §§ 1332(a)(1), 1441(b). There is complete diversity of citizenship between Plaintiffs and Defendants in this matter and, therefore, the present suit is an action over which the United States District Court for the Western District of Texas, Waco Division, has jurisdiction.

5.

This removal is timely because it is filed "within thirty days after receipt, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has just become removable." 28 U.S.C. §

1446(b). Firestone was served with Plaintiffs' Original Petition on April 7, 2005. Firestone files this Notice of Removal since there is complete diversity between Plaintiffs and Defendants. This removal is filed within thirty days of Firestone's receipt of the above pleadings.

6.

Ford is also a Defendant in this action. Ford has consented in writing to the removal of this action.

7.

Plaintiffs' action is one of a civil nature based upon strict liability, negligence, and breach of warranty. Plaintiffs seek to recover damages in excess of \$75,000.00 for which Plaintiffs allege Defendants are liable. The present suit is an action over which the United States District Court for the Western District of Texas, Waco, has jurisdiction because of diversity of citizenship.

8.

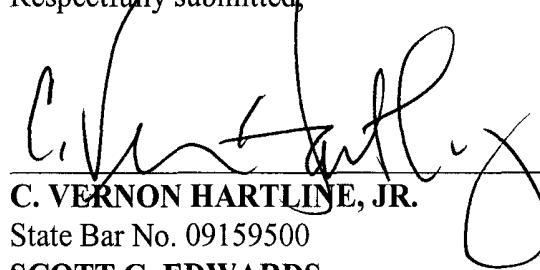
Defendant would show that it has filed with the Clerk of the 66th District Court of Hill County, Texas, a true copy of this Notice of Removal simultaneously with the filing hereof in this Court.

9.

Copies of all process, pleadings and orders, as well as the docket sheet and index of all pleadings relating to this case and previously filed with the 66th District Court of Hill County, Texas are attached hereto as Exhibit "A" for the Court's reference.

WHEREFORE, PREMISES CONSIDERED, Defendant Bridgestone/Firestone North American Tire, L.L.C. respectfully prays that this case be removed to the United States District Court for the Western District of Texas, Waco Division.

Respectfully submitted,


C. VERNON HARTLINE, JR.

State Bar No. 09159500

SCOTT G. EDWARDS

State Bar No. 06461480

MELISSA A. DORMAN

State Bar No. 00790603

**HARTLINE, DACUS, BARGER,
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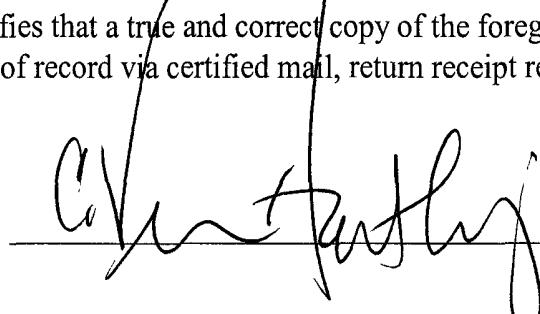
(214) 369-2100

Telecopy: (214) 369-2118

**ATTORNEYS FOR DEFENDANT
BRIDGESTONE/FIRESTONE
NORTH AMERICAN TIRE, L.L.C.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was forwarded to all known counsel of record via certified mail, return receipt requested, on this the 11 day of May, 2005.



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BRIDGESTONE FIRESTONE NORTH §
AMERICAN TIRE §

STATE COURT FILE

Filed

1. Docket Sheet
2. Plaintiffs' Original Petition 04-01-05
3. Citation to Ford Motor Company with return of citation 04-21-05
4. Citation to Bridgestone/Firestone North American Tire LLC, with return of citation 04-21-05
5. Ford Motor Company's Special Exceptions, Original Answer to Plaintiffs' Original Petition, and Reliance Upon Jury Demand 04-25-05
6. Defendant Bridgestone/Firestone North American Tire, LLC's Special Exception and Original Answer Subject Thereto 04-28-05

